



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7956 of 2021

Vijayanandh ... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Palani Town Police Station,
Dindigul District.
Crime No. 349 of 2021..

... Respondent/Complainant

For Petitioner : Mr.A.Prasanna Rajadurai, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

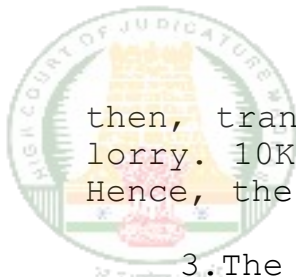
PRAYER :-

For Bail in Crime No.349 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 27.04.2021 for the offences punishable under Section 8(c), 20(b)(ii)(c) and 25 of the Narcotic Drugs and Psychotropic Substances Act in Crime No.349 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.04.2021, at about 08.30 am., when the defacto complainant was in Police Station, his secret informant informed him that ganja had been illegally transported in alto car bearing registration No.TN 09 AP 8944 and Ashok Layland Eicher lorry bearing registration No.TN 58 BE 2515 from Andra. He informed the same to his Superior. Along with other Police officials, he left the Police Station and kept watching at Dindigul to Udumalai bypass road near Idumban Kovil bridge. Both the vehicle came from north to south. They stopped the vehicle. One Vijayanandh was driving the car, Vinothraj, Palani occupants of the car. They apprehended lorry driver and others. Vijayanandh informed that he is the owner of the car. The defacto complainant and his party introduced themselves to them and also informed their rights to be searched in the presence of Judicial Magistrate or Gazetted Officer. Vijayanandh expressed his willingness for search by Police. Accordingly, search was conducted. It is revealed during search that 50kg of ganja were purchased from unidentified persons in Andra and



then, transported to Tamilnadu through aultto car and the aforesaid lorry. 10Kg ganja was kept in car and 40kg ganja was kept in lorry. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Even admitting the case of the prosecution, he was said to be in possession of 10kg of ganja, which is not a commercial quantity. Therefore, he seeks bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that investigation is not completed. He further submitted that the petitioner has 11 previous case and the accused were found in joint possession of 50kg of ganja, which is a commercial quantity. He also submitted that the petitioner now detained under Act 14.

5.In response to the above submission, the learned counsel for the petitioner submitted that the petitioner is not an accused in 11 previous case said to have pending against him and this is a false information.

6.Be that as it may, this case involves illegal possession, transportation of 50kg of ganja. According to the case of the prosecution, all the accused found to be in possession of commercial quantity in a course of same transaction. That apart, now the petitioner is detained under Act 14.

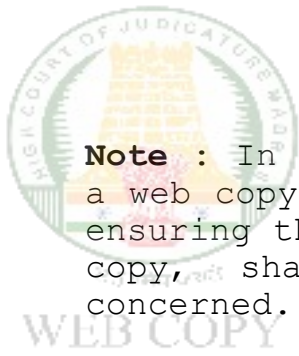
7.Narration of facts show that 50kg of ganja was divided in two part. 10Kg in one part and 40kg in another part and transported in car and lorry. Prima facie it appears that 50kg of ganja had been illegally possess, transported in the course of same transaction. When it comes for consideration of bail in the case of commercial quantity, as per Section 37 NDPS Act, the accused should establish that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail. In this case, the petitioner and other accused said to have illegally possessed and transported 50kg of ganja. Therefore, this Court is of the view that the petitioner has not satisfied the twin conditions prescribed under Section 37 of the NDPS Act. That apart, now the petitioner is detained under Act 14. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
14/07/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
- 2.THE INSPECTOR OF POLICE
PALANI TOWN POLICE STATION, DINDIGUL
DISTRICT. CR.NO. 349 OF 2021.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7956 of 2021
Date :14/07/2021

SA/VR/SAR.2/16.07.2021/3P/4C